

Rev. 4/18

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT**

*Please TYPE. Attach additional pages if necessary.*11th Circuit Docket Number: 22-11150-G

Caption: IRA KLEIMAN, as the Personal Representative of the Estate of David Kleiman, VS. CRAIG WRIGHT	District and Division: <u>Florida Southern District, Miami Division</u> Name of Judge: <u>Judge Beth Bloom</u> Nature of Suit: <u>Civil Fraud, Breach of Partnership Duties</u> <hr/> Date Complaint Filed: <u>2/14/18</u> District Court Docket Number: <u>9:18-cv-80176-BB</u> <hr/> Date Notice of Appeal Filed: <u>4/8/22</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Devin Freedman	<u>1 SE 3rd Avenue</u> <u>Suite 1250</u> <u>Miami, FL 33131</u>	<u>vel@rochefreedman.com</u>

For Appellee: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Andres Rivero	<u>2525 Ponce de Leon</u> <u>Blvd.,</u> <u>Suite 1000</u> <u>Miami, FL 33134</u>	<u>arivero@riveromestre.com</u>
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Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input type="checkbox"/> Federal Question <input checked="" type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input checked="" type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: <u>\$ 600,000,000,000.00</u> Amount Sought by Defendant: <u>\$ _____</u> Awarded: <u>\$ 144,000,000.00</u> to <u>Plaintiff/Appellant</u> Injunctions: <input type="checkbox"/> TRO <input checked="" type="checkbox"/> Preliminary Permanent <input type="checkbox"/> Granted Denied

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? Yes No
What is the issue you claim is one of First Impression? _____
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? Yes No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? Yes No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? Yes No
If Yes, provide
(a) Case Name (1) Ramona Ang vs. Ira Kleiman / (2) Lynn Wright vs. Ira Kleiman
(b) Citation (1) 0-2021-CA-004758-XXXX-MB / (2) 50-2013-CP-005060-XXXX-NB
(c) Docket Number if unreported _____
(d) Court or Agency (1) 15th Judicial Circuit Court for Palm Beach County, FL / (2) 15th Judicial Circuit Court for Palm Beach County, FL
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? Yes No
(b) Among circuits? Yes No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
At this time, Appellant anticipates/raises the following issues on appeal, but reserves the right to amend or supplement this list.

1. Did the DC err by denying the Estate's motion for new trial, based on defendant's repeated violations of the court's in limine order prohibiting mention of the relationship between Dave and Ira Kleiman?
2. Did the DC err by allowing defendant's expert to testify that defendant's false testimony was the result of his alleged Asperger's syndrome?
3. Did the DC err by misinstructing the jury on the required elements of a partnership?
4. Did the DC err by denying Plaintiffs' request for sanctions and for a jury instruction on sanctions?

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 27th DAY OF April, 2022.

Devin (Velvel) Freedman

NAME OF COUNSEL (Print)

Devin Freedman

SIGNATURE OF COUNSEL